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PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

22

Application Number

09/899,128

Filing Date

July 6, 2001

First Named Inventor

Eric JENSEN

Art Unit

2684

Examiner Name

Angelica Perez

Attorney Docket Number

AND01 011

### ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	Petition for Withdrawal of Holding of Abandonment
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<b>Remarks</b>	
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application	The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 04-1679. A duplicate copy of this sheet is enclosed.	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	DUANE MORRIS LLP		
Signature			
Printed name	Mark C. Comtois		
Date	March 18, 2005	Reg. No.	46,285

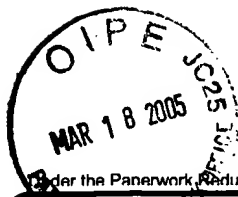
### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name		Date	

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/17 (12-04)

Approved for use through 07/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Effective on 12/08/2004.  
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).**FEE TRANSMITTAL**  
**For FY 2005**☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$)**130.00****Complete if Known**

Application Number	09/899,128
Filing Date	July 6, 2001
First Named Inventor	Eric JENSEN
Examiner Name	Angelica Perez
Art Unit	2684
Attorney Docket No.	AND01 011

**METHOD OF PAYMENT** (check all that apply)☒ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_☒ Deposit Account Deposit Account Number: 04-1679 Deposit Account Name: DUANE MORRIS LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below☐ Charge fee(s) indicated below, except for the filing fee☒ Charge any additional fee(s) or underpayments of fee(s)  
under 37 CFR 1.16 and 1.17☒ Credit any overpayments**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES**

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent	50	25
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent	200	100
Multiple dependent claims	360	180

<b>Total Claims</b>	<b>Extra Claims</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>	<b>Multiple Dependent Claims</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>
- 20 or HP = _____	x _____	= _____				
HP = highest number of total claims paid for, if greater than 20						
<b>Indep. Claims</b>	<b>Extra Claims</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>			
- 3 or HP = _____	x _____	= _____				
HP = highest number of independent claims paid for, if greater than 3						

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

<b>Total Sheets</b>	<b>Extra Sheets</b>	<b>Number of each additional 50 or fraction thereof</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>
- 100 = _____	/ 50 = _____	(round up to a whole number) x _____	= _____	

**4. OTHER FEE(S)**

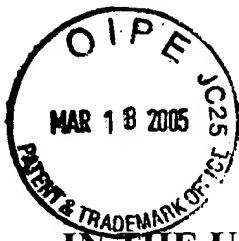
Non-English Specification, \$130 fee (no small entity discount)

Other: Petition Fee**Fees Paid (\$)**130.00**SUBMITTED BY**

Signature	<u>Mark C. Comtois</u>	Registration No. (Attorney/Agent)	46,285	Telephone	202.776.7800
Name (Print/Type)	Mark C. Comtois			Date	March 18, 2005

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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ATTORNEY DOCKET NO. AND01 011

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Patent Application of Eric Jensen

Serial No.: 09/899,128

Art Unit: 2684

Filed: July 6, 2001

Examiner: Angelica Perez

Title: WIRELESS SYSTEM SIGNAL PROPAGATION COLLECTION AND ANALYSIS

**Office of Petitions**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**PETITION FOR WITHDRAWAL OF THE HOLDING OF ABANDONMENT**  
**UNDER 37 C.F.R. § 1.181(a)**

Sir:

This communication is responsive to the Notice of Abandonment for the subject application dated February 8, 2005.

In brief, Applicant timely filed an Amendment to the Office Action dated January 5, 2004. Applicant received the Notice of Abandonment dated February 8, 2005 and files this Petition to Withdraw the Holding of Abandonment.

The facts of the instant case are as follows: Applicant timely filed an Amendment responsive to the Office Action on March 17, 2004, thereby placing the application in condition for allowance. A true and correct copy of the Amendment is attached as

Exhibit 1. This document was filed along with a Post Card (copy attached as Exhibit 2)

03/21/2005 JADD01 00000074 09899128

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identifying the document. The Patent and Trademark Office's stamp dated March 17, 2004 indicates that this document was timely received at the Office. For these reasons, Applicant respectfully submits that the abandonment of the subject application is unwarranted and requests reconsideration and withdrawal thereof. Accordingly, Applicant also respectfully requests entry of the timely filed Amendment.

Applicant submits that the Amendment dated March 17, 2004 places the subject application in condition for allowance and solicits a notice of allowance.

Although it is believed that no fee is due for this Petition, Applicant encloses a fee of \$130.00 pursuant to 37 C.F.R. §1.182 and §1.17(h). The Office is hereby authorized and requested to charge any further fees required for this Petition against Deposit Account No 04-1679.

If any point remains that is deemed best resolved through a telephonic conversation, the Office is hereby requested to contact the undersigned directly.

Respectfully submitted,

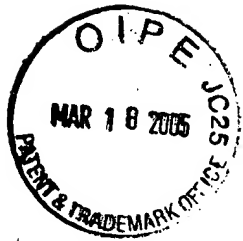


Mark C. Comtois	Reg. No. 46,285
Patrick C. Muldoon	Reg. No. 47,343
Patrick D. McPherson	Reg. No. 46,255
L. Lawton Rogers, III	Reg. No. 24,302
D. Joseph English	Reg. No. 42,514

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Dated: March 14, 2005

WSHV126182.1



# EXHIBIT 1



ATTORNEY DOCKET NO. AND01 011

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Patent Application of Eric Jensen

Serial No.: 09/899,128

Art Unit: 2684

Filed: July 6, 2001

Examiner: Angelica Perez

Title: WIRELESS SYSTEM SIGNAL PROPAGATION COLLECTION AND ANALYSIS

**AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This communication is in response to the Office Action mailed January 5, 2004.

Please amend the application as follows:

**IN THE SPECIFICATION**

Please amend the paragraph connecting pages 5 and 6:

Geolocation has found widespread application in the field of E-911 and E-411 services offered to cellular communication systems and subscribers.

Examples of the application of geolocation of mobile wireless units can be found in the devices of True Position, Grayson Wireless Geometrix,

SigmaOne, U.S. Wireless, CellLoc and others. ~~The paper Time Difference of Arrival Technology for Locating Narrowband Cellular Signals~~

~~www.trueposition.com/TDOA\_Overview.htm, provides a technical explanation of the aspects of geolocation implementation.~~

Please insert the following paragraph at page 18, line 6 (prior to the first full paragraph of page 18):

--Referring to Figure 5, at step 501 the system collects uplink received power data and notes the time and mobile unit identity corresponding to the RSSI (step 503). Geolocation is performed on mobile units (step 502) and the time and the mobile unit identity corresponding to the geolocation are noted (step 504). Step 505 shows that the results shown in steps 503 and 504 may have a common reference time. As discussed above, the data is stamped relative to a common reference time so that the geographic

location corresponding to a signal strength measurement can be identified.

At step 506, the RSSI data and geolocation data are collected. At step 507 any data corresponding to the same mobile unit at the same reference time is identified. Based on this information, data set of RSSI power level with corresponding geolocation are built at step 508. Next, at step 509, this data set is processed to obtain a set of path loss data corresponding to location in the wireless system. Finally, at step 510 the data set is processed to obtain a system performance evaluation.--

**IN THE CLAIMS**

1. (Currently Amended) A method for collecting and processing received signal level data and geolocation data over a wireless system, comprising the steps of:  
  
gathering signal strength data corresponding to mobile units;  
  
gathering geolocation ~~location~~ data corresponding to mobile units;  
  
identifying the gathered location data and the gathered strength data corresponding to the same mobile units to form  
  
~~correlating said gathered signal strength data with said gathered geolocation data to identify data pairs correlating a measured signal strength at a known geolocation;~~  
  
generating a set of data pairs correlating measured signal strength values to specific geographic locations throughout said wireless system.
2. (Original) The method of claim 1, wherein: said signal strength data is collected by measuring the signal strength of a signal received by a cell site, from a mobile wireless unit.
3. (Original) The method of claim 1, wherein: said signal strength data is collected by measuring the signal strength of a signal received by a wireless mobile unit, from a cell site.

4. (Original) The method of claim 1, wherein: said geographic location data is determined by triangulation of said mobile unit with respect to a plurality of stationary cell site antennae.

5. (Original) The method of claim 1, wherein: said geographic location data is determined with reference to a set of global positioning satellites.

6. (Original) The method of claim 1, wherein: said correlation includes identification of gathered geolocation data and gathered signal strength data corresponding to the same mobile unit; and establishing the temporal correlation of said identified data to identify data pairs within sufficiently close temporal proximity to establish correlation of a measured signal strength with a measured geolocation.

7. (Original) The method of claim 1, where: said signal strength and said geolocation are gathered in real-time at a common data receiver; and said correlation includes matching said geolocation data with said signal strength data of a mobile unit based upon the receipt of data corresponding to the same mobile unit.

8. (Original) The method of claim 1, further comprising the step of: analyzing said set of data pairs to evaluate the effective RF propagation within said wireless system.

9. (Original) The method of claim 1, further comprising the steps of:  
identifying the cell site which gathered each signal strength data measurement  
corresponding to each geolocation within the wireless system; and determining the  
identified cell site likely to receive a signal from a mobile unit at each identified  
geolocation within said wireless system.
10. (Original) The method of claim 9, further comprising the step of:  
redefining the projected distribution of likely server cell sites within said wireless system  
based upon the determination of identified likely cell sites.
11. (Original) The method of claim 1, further comprising the steps of:  
gathering drop call incident data from said system; and identifying the geolocation  
corresponding to said dropped call incidents.
12. (Original) The method of claim 11, further comprising the step of:  
generating a set of data points correlating drop call incidents with geolocation of  
occurrence.
13. (Original) The method of claim 12, further comprising the step of:  
analyzing said drop call geolocation data set to determine an effective implementation for  
addressing dropped calls.

14. (Original) The method of claim 1, further comprising the steps of:  
gathering blocked call incident data from said system; and identifying the geolocation  
corresponding to said blocked call incidents.

15. (Original) The method of claim 14, further comprising the step of:  
generating a set of data points correlating blocked call incidents with geolocation of  
occurrence.

16. (Original) The method of claim 15, further comprising the step of:  
analyzing said blocked call geolocation data set to determine an effective implementation  
for addressing blocked calls.

17. (Original) A method for collecting and processing received signal level  
data and geolocation data over a wireless system, comprising the steps of:

gathering signal strength data corresponding to identified mobile units;  
gathering geolocation data corresponding to identified mobile units;  
time stamping said gathered signal strength data and said gathered geolocation  
data with reference to a common reference time;  
identifying geolocation data and signal strength data corresponding to a common  
identified mobile unit and gathered within a predetermined time proximity to identify the

geolocation of a mobile unit and the specific signal strength gathered from said mobile unit at said identified geolocation;

and generating a set of data correlating signal strength values to geographic locations within said wireless system.

18. (Currently Amended) Apparatus for collecting and processing received signal level data and geolocation data over a wireless system, comprising:

RF signal measurement equipment for receiving signal strength data corresponding to mobile units;

geolocation equipment for determining geolocation data corresponding to mobile units;

a reference time generator for time stamping the gathered signal strength data and the gathered geolocation data with reference to a common reference time;

storage for combining said signal strength data and said geolocation data;

a processor for identifying signal strength data elements corresponding to geolocation data elements, for generating a set of data pairs correlating signal strength values to geographic locations ~~with-in~~ within said wireless system corresponding to the same mobile unit.

## **REMARKS**

This communication is filed in response to the Office Action issued January 5, 2004, having a shortened statutory period for response which expires on April 5, 2004. Please reconsider and withdraw the pending rejections in view of the amendments and remarks presented herein.

### **Objection to the Drawings**

The Examiner objects to Figure 5 as allegedly not having "labels that match the specification." In response, Applicant has amended the specification to expressly disclose the labels appearing in Figure 5. No new matter has been added. In addition, Applicant submits herewith a Proposed Drawing Correction to correspond Figure 5 with the amended specification. The Examiner's review and approval of the Proposed Drawing Correction are respectfully requested.

### **Objection to the Specification**

The specification has been amended to correct specific objections raised by the Examiner. Entry of the amendment and withdrawal of the objections are respectfully requested.

Anticipation Rejection

Claims 1-5, 8 and 11-18 stand rejected as allegedly anticipated by U.S. Patent No. 5,095,500 to Tayloe et al. ("Tayloe").

In view of the amendments made herein and the remarks that follow, Applicant respectfully requests reconsideration and withdrawal of the anticipation rejection.

Claim 1 has been amended to recite the step of "identifying the gathered location data and the gathered strength data corresponding to the same mobile units". The Examiner states in paragraph 6 of the Office Action that Tayloe does not teach this step. Accordingly, Claim 1 (and those depending therefrom) are not anticipated by Tayloe.

Applicant respectfully submits that independent Claim 17 is patentable over Tayloe for at least the reason that, among others, the reference fails to disclose or suggest:

- time stamping said gathered signal strength data and said gathered geolocation data with reference to a common reference time.
- identifying geolocation data and signal strength data corresponding to a common identified mobile unit and gathered within a predetermined time proximity to identify the geolocation of a mobile unit and the specific signal strength gathered from said mobile unit at said identified geolocation.

Finally, independent Claim 18 is deemed patentable over Tayloe for at least the reason that the reference does not disclose nor suggest the recited element: "a reference

time generator for time stamping the gathered signal strength data and the gathered geolocation data with reference to a common reference time.”

Reconsideration and withdrawal of this rejection are most respectfully requested.

Rejection under 35 U.S.C. § 103

Claims 6-7, 9-10 and 13 stand rejected as allegedly unpatentable over U.S. Patent No. 6,400,943 to Montoya. Applicant respectfully request reconsideration and withdrawal of this rejection because (i) the references cannot be combined as suggested by the Office and (ii) even if combined the references fail to disclose or suggest each and every claimed element.

Tayloe is directed to a cellular radiotelephone diagnostic system. The reference states that the base station monitors the signal quality of a call and also determines the general bearing of the mobile unit by using timing advance information. At col. 3, lines 50-60, Tayloe alleges that the location of the mobile unit is determined by transmitting a signal from the base station and by measuring its roundtrip propagation time. Thus, in Tayloe’s disclosure, the base station determines the approximate location of the mobile unit.

In contrast, Montoya requires the mobile unit to determine its own location and report the information to a location tracker system for storage. See col. 3, line 66 to col.

4, line 20; see also col. 4, lines 30-31 (mobile unit includes a position analyzer). In Montoya the mobile unit determines its location from a global positioning satellite and reports it to the base station. See col. 2, lines 60-65 and col. 4, lines 58-61.

Modification of Tayloe in view of Montoya would be contrary to the principles of Tayloe which requires that the base station determine the mobile unit's location. For at least this reason, the references cannot be combined.

Moreover, even if the references were combined, they would still fail to disclose each and every element of claim 1. The Examiner points to Montoya for disclosing "identification of the gathered location data and gathered strength data corresponding to the same mobile unit." Office Action, page 6, paragraph 6. The Examiner cites to col. 8 lines 1-5 and 11-17 of Montoya to support this conclusion. A careful review of Montoya, however, contradict this conclusion. The "identifier code" and the "location code" cited by the Office do not disclose the claimed "strength data". Instead, they purport to find whether the mobile unit is at a presumed location. If the mobile is not at the presumed location, then there is no signal and the error log is updated to reflect this finding. The inquiry as to "whether there is a signal" is not the same as "identifying a signal strength at a given location" as is claimed herein.

For these reasons, it is respectfully submitted that the references cannot be combined, and even if combined, the references fail to disclose or suggest each and every claimed element.

Each of the rejected claims depends, either directly to indirectly, from independent Claim 1, which as explained, is not rendered obvious by a combination of Tayloe and Montoya. For these reasons, reconsideration and withdrawal of the obviousness rejection over Tayloe in view of Montoya are respectfully requested.

## **CONCLUSION**

Although an extension of time is not deemed necessary at this time to maintain the instant application pending, the Office is requested and hereby authorized to charge any required extension-of-time fees against Deposit Account Number 04-1679 to Duane Morris LLP.

If any point remains that is deemed best resolved through a telephonic conversation, the Office is hereby requested to contact the undersigned directly.

Respectfully submitted,

DUANE MORRIS LLP  
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Mark C. Comtois	Reg. No. 46,285
L. Lawton Rogers, III	Reg. No. 24,302
D. Joseph English	Reg. No. 42,514
Patrick D. McPherson	Reg. No. 46,255

Dated: March 17, 2004



ATTORNEY DOCKET NO. AND01 011

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Patent Application of Eric Jensen

Serial No.: 09/899,128

Art Unit: 2684

Filed: July 6, 2001

Examiner: Perez, A.

Title: WIRELESS SYSTEM SIGNAL PROPAGATION COLLECTION AND ANALYSIS

**PROPOSED DRAWING CORRECTION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In the Office Action mailed January 5, 2004, the Office objected to Figure 5. In response, Applicant submits herewith a proposed drawing correction showing changes to Figure 5 in red ink. It is respectfully submitted that the proposed correction overcomes the rejection. The Examiner is respectfully requested to approve the Proposed Drawing Correction.

Although a fee is not deemed required for consideration of this communication and for maintaining the application pending, the Office is requested and hereby authorized to charge any appropriate fees against deposit account number 04-1679 to Duane Morris LLP.

Respectfully submitted,

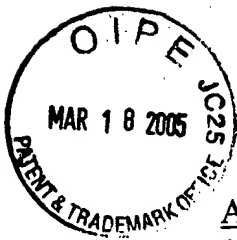
Dated: March 17, 2004

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Patrick D. McPherson	Reg. No. 46,255



## EXHIBIT 2



AND01 011

In re the Patent Application of Eric Jensen

Serial No.: 09/899,128

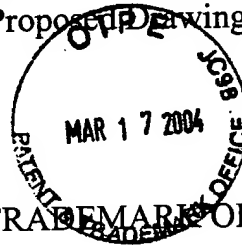
Art Unit: 2684

Filed: July 6, 2001

Examiner: Angelica Perez

Title: WIRELESS SYSTEM SIGNAL PROPAGATION COLLECTION  
AND ANALYSIS

Papers enclosed: Two Transmittals, an Amendment in response to the  
Office Action dated January 5, 2004; and a Proposed Drawing Correction  
for the above-identified Application.



RECEIVED IN THE U.S. PATENT AND TRADEMARK OFFICE